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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 STATE OF CALIFORNIA, *et al.*,
14 Plaintiffs,
15 v.
16 JOSEPH R. BIDEN, JR., *et al.*,
17 Defendants.

18 SIERRA CLUB, *et al.*,
19 Plaintiffs,
20 v.
21 JOSEPH R. BIDEN, JR., *et al.*,
22 Defendants.
23
24

No. 4:19-cv-00872-HSG
No. 4:19-cv-00892-HSG
No. 4:20-cv-01494-HSG
No. 4:20-cv-01563-HSG

JOINT STATUS REPORT

25 In accordance with the Court's Order of February 17, 2021, Plaintiffs and Defendants
26 submit the following joint status report addressing proceedings in the above-captioned cases.

27 The parties' most recent status report filed in February 2021 explained that the parties
28

1 agreed to stay further proceedings in these cases in light of the President’s Proclamation of
2 January 20, 2021. *See* Proclamation No. 10142, 86 Fed. Reg. 7225. The Proclamation, *inter alia*,
3 terminated the declaration of a national emergency at the southern border, paused construction
4 and obligation of funds for border wall projects to the extent permitted by law, and directed
5 various Executive Branch agencies to develop a plan “for the redirection of funds concerning the
6 southern border wall, as appropriate and consistent with applicable law.” *Id.* at 7225–26. The
7 Proclamation stated that the plan must “include consideration of terminating or repurposing
8 contracts with private contractors engaged in wall construction, while providing for the
9 expenditure of any funds that the Congress expressly appropriated for wall construction,
10 consistent with their appropriated purpose.” *Id.* at 7226.

11 Although the Proclamation directed that the plan be completed within 60 days of January
12 20, 2021, the Executive Branch is continuing to work on developing the plan and no final
13 decisions have been made to resume, modify, or terminate the border wall projects undertaken
14 pursuant to 10 U.S.C. §§ 284 and 2808 at issue in these cases. While the plan remains in
15 development, the pause on construction and obligation of funds for these projects, as set forth in
16 the Proclamation, will remain in effect.

17 In light of the ongoing Executive Branch review, the parties agree that proceedings in
18 these cases should remain stayed. Defendants will notify the Court and Plaintiffs when the
19 Executive Branch has made final decisions regarding the challenged projects and the redirection
20 of funds in accordance with the Proclamation. The parties agree to submit a joint status report
21 within 14 days of that notification or no later than May 17, 2021, addressing further proceedings
22 in these cases. Plaintiffs reserve the right to seek discovery of the plan contemplated by the
23 Proclamation or information relating to the plan.

1 DATE: April 15, 2021

Respectfully submitted,

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4:20-cv-01494-HSG*

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